

NOTICE OF PUBLIC WORKSHOP
Intent to Adopt Regulations

NOTICE IS HEREBY GIVEN that the State Health Division will hold public workshops to consider amendments to Nevada Administrative Code (NAC) 449. The Carson City workshop is scheduled to begin at 9:00 a.m., Wednesday, September 30, 2009, at The Nevada State Health Division, 4150 Technology Way, Suite 303, Carson City, Nevada. The Las Vegas workshop is scheduled to begin at 1:00 p.m., Monday, September 28, 2009, at The Grant Sawyer Building, 555 E. Washington Ave., Suite #4412, Las Vegas, Nevada. These workshops will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law.

AGENDA

1. Introduction of workshop process
2. Public comment on proposed amendments of NAC 449. Surgical Centers for Ambulatory Patients
3. Public comment on proposed amendments of LCB File No. R096-08 Surgical Centers of Ambulatory Patients
4. Public comment on proposed amendments of NAC 449 General Requirements for Licensure
5. Public comment on proposed amendments of NAC 449.013 Fees
6. Public comment on proposed amendments of NAC 449 Outpatient Settings

Surgical Centers for Ambulatory Patients

The proposed changes will revise Chapter 449 of the Nevada Administrative Code and LCB File No. R096-08 to address the following: These regulation changes are being proposed in accordance with Assembly Bill 123, of the 2009 legislative session and to clarify certain requirements for ambulatory surgery centers. These regulatory changes will provide specific requirements for ambulatory surgery centers, to increase the quality of care provided in these healthcare settings. The immediate effect would be for Surgical Centers for Ambulatory Patients to become accredited by an accrediting organization approved by the Division. The changes will improve quality of care, protect patient safety. These amendments establish new fees that will offset the cost of the workload. The proposed changes are located at NAC 449.013.

General Requirements for Licensure

These regulation changes are being proposed in accordance with Assembly Bill 123, of the 2009 legislative session concerning licensure requirements for outpatient settings by providing the framework for application and permitting of outpatient settings. There will be additional cost to the Health Division associated with these regulatory changes, as yet, not calculated. The changes will require programming changes to the database in order to accommodate a "permit" for the new facility type, the current database only has the ability to issue "licenses". A change will also be necessary to accommodate the non-standard expiration dates for the permit holders, the current database expires all licenses on December 31st of each year. The permits will expire one year from the date of issuance. A portion of the fees collected in accordance with outpatient setting applications will go to accommodate database changes associated with these regulations.

Fees

The proposed changes will revise Chapter 449 of the Nevada Administrative Code to address the following: These regulation changes are being proposed in accordance with Assembly Bill 123, of the 2009 legislative session and the Governor's approved budget for the 2010 -2011 biennium concerning licensure requirements for outpatient settings and the periodicity of surveys for

ambulatory surgery centers and outpatient settings. They require facility fees to offset the cost of annual survey workload for ambulatory surgery centers and outpatient settings. The cost for licensure of ambulatory surgery centers is doubled. The fees collected will enable Health Division staff to conduct annual surveys to ensure good infection control practices and ensure the protection of public health.

Outpatient Settings

The proposed changes will revise Chapter 449 of the Nevada Administrative Code to address the following: These regulations are being proposed in accordance with Assembly Bill 123, of the 2009 legislative session to establish requirements for outpatient settings. These regulations will require previously unregulated facilities to have oversight by two entities, 1) an accrediting organization and 2) the Health Division. Oversight and regulation has associated costs. These regulatory changes will provide specific requirements for outpatient settings, to increase the quality of care and safety of patients receiving services in outpatient settings. The immediate effect is the cost of applying for a permit and for accreditation. The long term effect should result in future public confidence in the outpatient setting and along with credibility of the same. There will be a benefit to improve the quality of care, and protect patient safety. A fiscal note was attached to the AB 123 legislation during the session that estimated the \$257,236 for the 2009-2010 fiscal year and \$442,403 for the 2010-2011 fiscal year. The fees regulations will be modified to include outpatient setting and to establish new fees. These amendments establish new fees that will offset the cost of the workload. The proposed changes are sited at NAC 449.013.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8 1/2" X 11" pages must submit the material to Shirley Rains, Administrative Assistant IV, no later than September 18, 2009, at the following address:

Bureau of Health Care Quality and Compliance
1550 E. College Parkway Suite 158
Carson City NV 89706
(775) 687-6588 (FAX)

Members of the public who require special accommodations or assistance at the workshops are required to notify Shirley Rains, AA IV, in writing at the Bureau of Health Care Quality and Compliance, 1550 E. College Parkway, Suite 158, Carson City, Nevada 89706, or by calling (775) 687-4475 no later than September 18, 2009.

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow the Board members adequate time to review the documents.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Bureau of Health Care Quality and Compliance
1550 E. College Parkway Suite 158
Carson City NV

Bureau of Health Care Quality and Compliance
4220 S. Maryland Parkway Suite 810 Bldg D
Las Vegas NV

Nevada State Library and Archives
100 Stewart
Carson City NV

A copy of this notice has been posted at the workshop locations as well as the Nevada State Health Division website: <http://www.health.nv.gov/Calendar.htm>, the Southern Nevada Health District, 625 Shadow Lane, Las Vegas, Nevada and the Washoe County District Health Department, 1001 East 9th Street, Reno, Nevada.

Copies may be obtained in person, by mail, or by calling (775) 687-4475.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City NV 89702

Churchill County Library
553 S. Main Street
Fallon NV 89406

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas NV 89101

Douglas County Library
1625 Library Lane
Minden NV 89423

Elko County Library
720 Court Street
Elko NV 89801

Esmeralda County Library
Corner of Crook and 4th Street
Goldfield NV 89013-0484

Eureka Branch Library
210 South Monroe Street
Eureka NV 89316-0283

Henderson District Public Library
280 South Water Street
Henderson NV 89105

Humboldt County Library
85 East 5th Street
Winnemucca NV 89445-3095

Lander County Library
625 S Broad Street
Battle Mountain NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington NV 89447-2399

Mineral County Library
110 1st Street
Hawthorne NV 89415-1390

Pahrump Library District
701 East Street
Pahrump NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock NV 89419-0781

Storey County Library
95 South R Street
Virginia City NV 89440-0014

Tonopah Public Library
167 Central Street
Tonopah NV 89049-0449

Washoe County Library
301 South Center St.
Reno NV 89505-2151

White Pine County Library
950 Campton St.
Ely NV 89301-1965

Per NRS 233B.064(2), upon adoption of any regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.